

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

**KEVIN ROBERTSON
JENNY ROSE, and KATHY
COLLINS, individually and
on behalf of all others similarly
situated,**

Plaintiffs.

v.

Civil Action No. 3:16-cv-2113

**CAROLYN W. COLVIN, in her
official capacity as Acting Commissioner
of the Social Security Administration,**

Defendant.

MOTION FOR PRELIMINARY INJUNCTION

COME THE PLAINTIFFS, Kevin Robertson, Jenny Rose and Kathy Collins, as individuals and on behalf of all other persons similarly situated, who by and through counsel, respectfully move the Court, pursuant to *Federal Rule of Civil Procedure 65* and consistent with the accompanying Memorandum of Law, based on the grounds in the motion, the attached affidavits and exhibits, and the accompanying memorandum of law, to issue a preliminary injunction. The motion seeks a preliminary injunction, without payment of security bond, seeking the following relief:

1. Enjoining Defendant from conducting any further administrative proceedings to redetermine the entitlement of the Plaintiffs and all other persons similarly situated to Social Security Disability Insurance benefits and Supplemental Security Income benefits previously awarded by decisions of administrative law judges until further order of the Court.

2. Enjoining Defendant from terminating payment to the Plaintiffs and all other persons similarly situated of benefits pursuant to redeterminations of their entitlement to Social Security Disability Insurance benefits and Supplemental Security Income benefits previously awarded by decisions of administrative law judges until further order of the Court.

3. Ordering Defendant to reinstate payment to the Plaintiffs and all other persons similarly situated of benefits that have been terminated as a result of redeterminations of their entitlement to Social Security Disability Insurance benefits and Supplemental Security Income benefits previously awarded by decisions of administrative law judges until further order of the Court, including making payment to the Plaintiffs of scheduled benefit payments previously due but not paid as a result of such redeterminations pending further order of the Court.

4. Enjoining Defendant from enforcing any statutory and regulatory limitation of the time within which administrative decisions must be appealed, including statutes limiting the time within which review may be requested in the United States District Courts pending further order of the Court.

5. Ordering such other and further relief as the Court shall deem appropriate to protect the positions of the parties and prevent irreparable harm to the Plaintiffs during the pendency of this suit.

WHEREFORE, the Plaintiffs respectfully request that the Court issue a preliminary injunction as requested.

*Respectfully Submitted,
KEVIN ROBERTSON and
JENNY ROSE, KATHY
COLLINS individually
and on behalf of a class of
individuals similarly situated,
By counsel.*

/s/ Bren J. Pomponio

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CERTIFICATE OF SERVICE

I, Bren J. Pomponio, counsel for the Plaintiffs, do hereby certify that on this 8th day of April, 2016, I electronically filed the foregoing "***Motion for Preliminary Injunction***" via the Court's CM/ECF system which will serve a complete copy of the same upon the following counsel:

MATTHEW C. LINDSAY
Assistant United States Attorney
U.S. Attorney's Office
300 Virginia Street, East, Room 4000
Charleston, WV 25301
Counsel for Defendant

/s/ Bren J. Pomponio
Bren J. Pomponio (State Bar ID No. 7774)